

AMENDMENTS TO THE CLAIMS

Please amend Claims 1-5 below by deleting items marked with a strikeout (i.e. ~~patent~~) or brackets (i.e., [patent]) and adding items marked with an underline (i.e. patent).

1. Canceled, without prejudice.
2. (Original) An automated flatware and napkin assembling apparatus comprising:
 - a spoon hopper that holds stacked spoons prior to wrapping;
 - a fork hopper that holds stacked forks prior to wrapping;
 - a knife hopper that holds stacked knives prior to wrapping;
 - rolled paper napkins
 - rolled paper labels, perforated, with adhesive along one edge;
 - an exit slot, on which the fully wrapped and secured flatware exits the automated flatware and napkin assembling apparatus is provided at the bottom of the automation enclosure;
 - first upper indexing plate working in conjunction with a first lower indexing plate for providing for the dropping of one spoon and one fork at a time on a sliding chute defined by a first travel path and a second travel path;
 - a second upper indexing plate working in conjunction with a second lower indexing plate for the dropping of one knife at a time into the flatware trough as defined by a third travel path;
 - a napkin stream fed from said rolled paper napkins by a series of first indexing rollers working in a pinch roller arrangement;
 - a label stream fed from the rolled paper adhesive labels by a series of second indexing

rollers working in a pinch roller arrangement;
wherein said first upper indexing plate, said first lower indexing plate, said second upper indexing plate, said second lower indexing plate, said first indexing rollers, and said second indexing rollers are all mechanically powered by a series of stepper motors activated by a logic controller that receives inputs from a series of sensors to direct the napkin stream into a flatware trough located at the bottom of the sliding chute.

3. (Original) The automated flatware and napkin assembling apparatus of Claim 2, further comprising a series of automatically engaging jaws for grabbing the flatware bundle and rotating them in a direction defined by a rotational travel path for multiple rotations such as to secure a flatware stack inside of the napkin stream.
4. (Original) The automated flatware and napkin assembling apparatus of Claim 3, wherein said label stream is further secured about the napkin stream and the completed and secured bundle is ready for discharge through the exit slot.
5. Canceled, without prejudice.

REMARKS / ARGUMENTS

Reconsideration of the application as amended is respectfully requested.

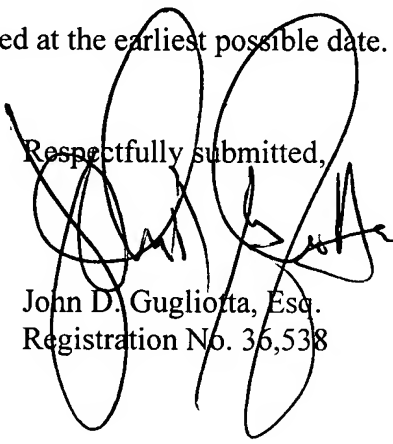
Before entry of the present amendment, Claims 1-5 were pending, and presently, Claims

**Utility Patent
Ser. No. 10/641,357**

1 and 5 stand rejected. Claims 2-4 have been allowed, and Claims 1 and 5 have been canceled without prejudice.

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and a formal Notice of Allowance is respectfully requested at the earliest possible date.

Respectfully submitted,


John D. Gugliotta, Esq.
Registration No. 36,538

The Law Offices of John D. Gugliotta
202 Delaware Building
137 South Main Street
Akron, OH 44308
(330) 253-5678
Facsimile (330) 253-6658